IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 6TH NOVEMBER 2007 / 15TH KARTHIKA 1929

WP(C).No. 25359 of 2007(R)

PETITIONER:

ANANDAN, AGED 44 YEARS, S/O. KRISHNA MENON,
MENON, PROPRIETOR, GALAXY VISION CABLE TV NETWORK,
VIYYUR, THRISSUR DISTRICT.

BY ADV. SRI.V.M.KRISHNAKUMAR,
ADV. SMT.P.A.ANITHA.

RESPONDENTS:
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1. **SUPERINTENDENT OF POLICE,**
   THRISSUR.

2. **SUB INSPECTOR OF POLICE,**
   WADAKKANCHERY.

3. **SUB INSPECTOR OF POLICE,**
   VIYYUR.

4. **SUB INSPECTOR OF POLICE,**
   PERAMANGALAM.

5. **RADHAKRISHNAN K.K.,**
   KALLAT HOUSE, MULANKUNNATHUKAVU, THRISSUR.

6. **JOSEPH C.D.,**
   CHAKKOLA HOUSE, PANANCHERY, PATTIKKAD P.O.,
   THRISSUR.

W.P.(C). NO.25359/2007:

7. **ANILAN K.R.,**
   KANDARUTHY HOUSE, PUTHUR, KAIPARAMBU,
   THRISSUR.

8. **RAJEESH A.V.,**
   ARIYEDATH HOUSE, VALIYA PARAMBU,
   KUTTUR, THRISSUR.

9. **SANTHOSH JOSE,**
   PURATHOOKKARAN HOUSE, ARANATTUKARA, THRISSUR.

10. **DINESHAN P.N.,**
    PULIKKAL HOUSE, KOLANGATTUKARA,
    P.O.CHOOLISSERY, THRISSUR.

11. **V.J.RAJI,**
    VADAKKOOT HOUSE, P.O.MUNDOOR, THRISSUR.

12. **VINOD ABRAHAM,**
    HOUSE NO.16, SILK NAGAR, P.O.PERINGANDOOR,
    THRISSUR.

13. **SURESH M.P.,**
    MANJAKKATTIL HOUSE, PERINGANDOOR, THRISSUR.

14. **GOPI,**
    MENANGAMPARAMBIL HOUSE,
    PERINGANDOOR, THRISSUR.

15. **RAFI. K.O., S/O. K.R.OUSEPH,**
    KANNANAIKKAL HOUSE, ROSE VILLA, SILK NAGAR,
    PERINGANDOOR, THRISSUR.

16. **P.S.ABOOBACKER,**
    ORBIT CABLE TV NETWORK, PANANGATTUKARA POST,
    WADAKKANCHERY, THRISSUR-680 623.

BY ADV. SRI.P.RADHAKRISHNAN,
ADV. SRI.MADHU RADHAKRISHNAN,
GOVT. PLEADER SRI. SALIM.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/11/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.25359/2007-R:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE THE R.1. DTD. 13/06/07.

EXT.P.2: COPY OF THE REPRESENTATION FILED BY KERALA VISION DTD. 15/08/07 BEFORE THE R.1.

RESPONDENT'S EXHIBITS:

EXT.R5.A: COPY OF THE I.A. 2653/2007 IN ARB. O.P. 298/2007 FILED BEFORE DISTRICT COURT, THRISSUR.

EXT.R5.B: COPY OF THE INJUNCTION ORDER IN I.A. 2653/2007 PASSED BY THE DISTRICT COURT, THRISSUR.

EXT.R5.C: COPY OF THE NOTICE ISSUED BY THE LAWYER.

EXT.R5.D: COPY OF THE COMPLAINT FILED BEFORE THE R.1.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR & T.R.RAMACHANDRAN NAIR, JJ.

Writ Petition (C) No.25359 of 2007-V

Judgment

Balakrishnan Nair, J.

The petitioner is a signal provider to cable TV operators in Thrissur area. He receives signals from Kerala Vision, which is functioning at the State level. Respondents 5 to 16 are his customers. The fee for supplying signals was not enhanced for the last five years. The negotiations in this regard failed. Since the said respondents were not agreeable for enhancement of the fee, the petitioner decided to cut off the signals provided to them. Therefore, they moved the District Court by filing an Arbitration OP and obtained an interim injunction against the petitioner from cutting off the signals provided to them.

2. The petitioner submits, to accuse him of having violated the injunction order, the said respondents themselves recently cut off the cables. The party respondents are now threatening the petitioner with dire consequences. His personal safety is also in danger. Therefore, he has filed Ext.P1 representation before the Police and thereafter, this Writ Petition is filed, seeking the following reliefs :

"I. issue a writ in the nature of mandamus, commanding the respondents 1 to 4 to provide adequate and effective police protection to the life and person of the petitioner and his employees.

II. issue a writ in the nature of mandamus commanding the respondents to afford adequate and effective police protection for the cable TV network of the petitioner from criminal acts destructed by respondents five onwards.

III. Issue a writ in the nature of mandamus commanding the respondents 2, 3 and 4 to register a crime on the basis of Ext.P2 and conduct investigation in the cognizable offence within such time as may be fixed by this Hon'ble court."

3. The 5th respondent has filed a counter affidavit, on behalf of respondents 6 to 15 also, denying the allegations of the petitioner and alleging violation of the interim injunction order passed by the District Court against him. A copy of the said injunction order is produced as Ext.R5B. The petitioner has filed a reply affidavit denying the allegations against him.

4. Heard the learned counsel on both sides. The civil dispute between

the petitioner on the one hand and respondents 5 to 16 on the other hand, concerning enhancement of fee for supply of signals has to be resolved through the appropriate forum.

5. The learned Government Pleader submitted that the 4th respondent has already registered a crime against the persons, who, according to the petitioner, has cut and removed the cables. So, whenever a cognizable offence is reported, the Police will take action. Having regard to the nature of the dispute between the parties, we feel that the Police cannot be asked to interfere in it and help one side, invoking our jurisdiction under Article 226 of the Constitution of India. The petitioner may move the competent civil/criminal court and work out his remedies against the alleged commissions or omissions of respondents 5 to 16. Accordingly, the Writ Petition is dismissed without prejudice to the contentions of the petitioner and his rights in this regard.

K.BALAKRISHNAN NAIR,JUDGE

06.11.2007 **T.R.RAMACHANDRAN NAIR, JUDGE**

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